

**The TOWN OF SOUTHEAST  
JOHN J. DUNFORD CIVIC CENTER  
1360 ROUTE 22, BREWSTER, NEW YORK 10509  
March 18, 2010  
REGULAR MEETING 7:30 PM**

Notation of Exits  
Pledge of Allegiance

Present: Supervisor Rights  
Councilman Gross  
Councilman Yee  
Councilwoman Hudak  
Councilman Cullen

Also Present: Town Clerk Ruth A Mazzei  
Town Attorney Willis H Stephens

And: Approximately 90 People

CALL FOR THE ORDER OF DAY – Councilwoman Hudak

**PROCLAMATIONS**

Supervisor Rights thanked the members of the Brewster Fire Department for their service to our Community. They are Edward Schneider – 60 years, Louis Gasparini – 50 years, Edward Butler Jr. -40 years, and John Castle – 40 years.



*WHEREAS*, it is the sense of this Town Board, that the quality of a community is measured by the unique and extraordinary accomplishments of the citizens who reside within its borders; and

*WHEREAS*, **EDWARD SCHNEIDER**, a resident of the Town of Southeast and member of The Brewster Volunteer Fire Department, will be recognized for SIXTY YEARS of service at a reception to be held on March 20, 2010; and

*WHEREAS*, **EDWARD SCHNEIDER**, has distinguished himself as an outstanding leader of The Brewster Volunteer Fire Department having attained the rank of Deputy Chief; and

*WHEREAS*, **EDWARD SCHNEIDER**, has faithfully served the Department and the Community for these many years; and

*WHEREAS*, **EDWARD SCHNEIDER's** dedication to volunteerism and service to his Community, all the while fulfilling his responsibilities to his family, exemplifies his deep sense of commitment and perseverance necessary to make The Brewster Volunteer Fire Department the revered institution it is today.

*NOW, THEREFORE, BE IT*

*RESOLVED*, that the Town Board of the Town of Southeast shall pause in its deliberations to recognize and commend **EDWARD SCHNEIDER** upon the occasion of his recognition of SIXTY YEARS OF VOLUNTEER SERVICE, and to congratulate his family, friends and fellow Volunteers who have shared in this special accomplishment knowing that, in so doing, we have encouraged others to follow his path; and be it further

*RESOLVED*, that a copy of this Certificate of Merit, suitably engrossed, shall be presented to **EDWARD SCHNEIDER** at the reception in his honor to be held March 20, 2010 with the heartfelt congratulations of our entire community.

*C*ERTIFICATE *O*F *M*ERIT

*WHEREAS*, it is the sense of this Town Board, that the quality of a community is measured by the unique and extraordinary accomplishments of the citizens who reside within its borders; and

*WHEREAS*, **LOUIS GASPARINI**, a resident of the Town of Southeast and member of The Brewster Volunteer Fire Department, will be recognized for FIFTY YEARS of service at a reception to be held on March 20, 2010; and

*WHEREAS*, **LOUIS GASPARINI**, has distinguished himself as an outstanding leader of The Brewster Volunteer Fire Department having attained the rank of Deputy Chief; and

*WHEREAS*, **LOUIS GASPARINI**, has faithfully served the Department and the Community for these many years; and

*WHEREAS*, **LOUIS GASPARINI's** dedication to volunteerism and service to his Community, all the while fulfilling his responsibilities to his family, exemplifies his deep sense of commitment and perseverance necessary to make The Brewster Volunteer Fire Department the revered institution it is today.

*NOW, THEREFORE, BE IT*

*RESOLVED*, that the Town Board of the Town of Southeast shall pause in its deliberations to recognize and commend **LOUIS GASPARINI** upon the occasion of his recognition of FIFTY YEARS OF VOLUNTEER SERVICE, and to congratulate his family, friends and fellow Volunteers who have shared in this special accomplishment knowing that, in so doing, we have encouraged others to follow his path; and be it further

*RESOLVED*, that a copy of this Certificate of Merit, suitably engrossed, shall be presented to **LOUIS GASPARINI** at the reception in his honor to be held March 20, 2010 with the heartfelt congratulations of our entire community.

*WHEREAS*, it is the sense of this Town Board, that the quality of a community is measured by the unique and extraordinary accomplishments of the citizens who reside within its borders; and

CERTIFICATE OF MERIT

WHEREAS, **JOHN CASTLE**, a resident of the Town of Southeast and member of The Brewster Volunteer Fire Department, will be recognized for FORTY YEARS of service at a reception to be held on March 20, 2010; and

WHEREAS, **JOHN CASTLE**, has distinguished himself as an outstanding leader of The Brewster Volunteer Fire Department having attained the rank of Captain; and

WHEREAS, **JOHN CASTLE** has faithfully served the Department and the Community for these many years; and

WHEREAS, **JOHN CASTLE's** dedication to volunteerism and service to his Community, all the while fulfilling his responsibilities to his family, exemplifies his deep sense of commitment and perseverance necessary to make The Brewster Volunteer Fire Department the revered institution it is today.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast shall pause in its deliberations to recognize and commend **JOHN CASTLE** upon the occasion of his recognition of FORTY YEARS OF VOLUNTEER SERVICE, and to congratulate his family, friends and fellow Volunteers who have shared in this special accomplishment knowing that, in so doing, we have encouraged others to follow his path; and be it further

RESOLVED, that a copy of this Certificate of Merit, suitably engrossed, shall be presented to **JOHN CASTLE** at the reception in his honor to be held March 20, 2010 with the heartfelt congratulations of our entire community.

CERTIFICATE OF MERIT

WHEREAS, it is the sense of this Town Board, that the quality of a community is measured by the unique and extraordinary accomplishments of the citizens who reside within its borders; and

WHEREAS, **EDWARD BUTLER, JR.**, a resident of the Town of Southeast and member of The Brewster Volunteer Fire Department, will be recognized for FORTY YEARS of service at a reception to be held on March 20, 2010; and

WHEREAS, **EDWARD BUTLER, JR.**, has distinguished himself as an outstanding leader of The Brewster Volunteer Fire Department having attained the rank of Deputy Chief; and

WHEREAS, **EDWARD BUTLER, JR.**, has faithfully served the Department and the Community for these many years; and

WHEREAS, **EDWARD BUTLER, JR's** dedication to volunteerism and service to his Community, all the while fulfilling his responsibilities to his family, exemplifies his deep sense of commitment and perseverance necessary to make The Brewster Volunteer Fire Department the revered institution it is today.

*Now*, THEREFORE, BE IT

*RESOLVED*, that the Town Board of the Town of Southeast shall pause in its deliberations to recognize and commend **EDWARD BUTLER, JR** upon the occasion of his recognition of FORTY YEARS OF VOLUNTEER SERVICE, and to congratulate his family, friends and fellow Volunteers who have shared in this special accomplishment knowing that, in so doing, we have encouraged others to follow his path; and be it further

*RESOLVED*, that a copy of this Certificate of Merit, suitably engrossed, shall be presented to **EDWARD BUTLER, JR** at the reception in his honor to be held March 20, 2010 with the heartfelt congratulations of our entire community.

Supervisor Rights made a motion to open the Meeting. Councilwoman Hudak seconded. All in favor.

### **PUBLIC HEARINGS**

#### **PUBLIC HEARING – NOISE ORDINANCE**

Supervisor Rights made a motion to open the Public Hearing for the Noise Ordinance. Councilman Yee seconded. All in favor.

There were no comments made on the Noise Ordinance Public Hearing. Supervisor Rights made a motion to close the Public Hearing. Councilman Yee seconded. All in favor.

#### **PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT**

Supervisor Rights made a motion to open the Public Hearing. Councilman Gross seconded. All in favor.

Lynn Eckardt, Vice President of Concerned Residents of Southeast, read a letter into the record. (See attached at end of minutes).

Rick Fuerman, President of Concerned Residents of Southeast, stated that this would be setting a precedent to rezone for special preference. This is spot zoning because you are not changing the Master Plan, just a small section. It took 8-10 years working on the plan and we must work together to change it. He said that this is an egregious act, and no action should be taken. He stated he felt the Town Board already made up its mind.

Supervisor Rights answered that we have had Public Dialog in Public Hearings and other worksessions, and nothing was done behind close doors. He feels that the applicant is a significant tax source.

Ann Fanizzi, a member of the Open Space Committee, is opposed to the Town Board's effort to overturn the Comprehensive Plan.

Denis Castelli stated that part of the zoning is residential, a significant omission and that once a change was made, it can become a hotel, etc...

Laura Greene said that this proposal is for one applicant and will create a negative impact on the community, citing noise incidents starting early in the morning.

Renee Diaz stated that the County gets the sales tax for Brewster Honda.

Bill Heath asked if taxes would be different if this project is approved.

Town Attorney Stephens answered that as the value goes up, the taxes go up.

Keith Greene, representing the Allview Ave- Meadow Lane Coalition, questions whether this will serve the general area and that SEQRA must be reviewed. In the Zoning Code 138-4, this falls under Motor Vehicle Service Station and the variance would be hostile to the Comprehensive Plan. He feels that the residents concerns are not being heard. (See attached letter at end of minutes)

David Gordon is concerned the decision process is well on its way and asks the Town Board to take a step back and listen to the voices of the community. He stated that there is a lot more at stake than money. Master Plan & Zoning changes will effect the environmental and land use perspective.

Mr. Ito was dismayed by the quality of information given, and said that any decision made is only as good as the facts you receive. In the Comprehensive Plan amended in 2004, it states that automobile use in the NB I Zone should be discouraged. He asked the Board to look at every fact of this project.

Jane Cruz felt that should this go through, it would be detrimental to the value of their homes that have already been reduced in the last five years. Robert Woodstead was concerned with the safety of the neighborhood.

Richard O'Rourke, counsel for Brewster Honda introduced letters into the record. (See at end of minutes)

Christine Puccini thought that we should take a step back and review and update the plan if necessary, but not change it in its entirety for one applicant's needs. Virginia Ruskin said that once spot zoning happens, beware. Jack Duncan thought that the change would impact everyone.

Supervisor Rights made a motion to close the Public Hearing. Councilman Gross seconded. All in favor.

### **PUBLIC HEARING – VALLEJO DOG KENNEL**

Supervisor Rights made a motion to open the Public Hearing. Councilman Yee seconded. All in favor.

Legal Notice was read, fees were paid and certified receipts were turned in. The Vallejo's are asking for a special permit for a kennel, but not to operate one, they are dog trainers and train dogs at their home. The dogs are kept inside and there is no barking.

John Lord was concerned that if the special permit was issued, it will stay with the property.

Town Council Willis Stephen said that it is according to how the permit is drafted.

Mr. Lusardi, council for the Vallejos, will agree that the permit is for his clients only, not to be continued after the property is sold. Lynn Eckardt feels this would be an enforcement nightmare and that it would reduce the property values of the neighborhood. Mr. Lusardi stated that his clients met the requirements for a Special Permit and in the Zoning Code 138-53. Wendy Weiner said that this will impact the value of their homes and she also noted that the applicants have advertised as a Kennel. Paul Norini said that this would have a serious impact on selling his house.

Don Cuomo stated that he counted 26 dogs on the property, not eight as they claimed. He said they have been running a business since day one, and the permits and licenses came after the fact. The name of the business is "Doggie Lami Canine Retreat". Don also talked to the Board of Health and he was told they should have a separate septic. John Balentine feels that the surrounding property owners will have a lower property value and objects to a commercial establishment.

Ed Marrow was also concerned with the house values. Cathy Croft asked what the maximum number of dogs a person can have was.

Supervisor Rights made a motion to close the Public Hearing. Councilman Gross seconded. All in favor.

### **REGULAR MEETING**

Supervisor Rights made a motion to open the Regular Meeting. Councilman Yee seconded. All in favor.

### **CORRESPONDENCE**

Supervisor Rights made a motion to waive the reading of the Correspondence. Councilman Yee seconded. All in favor.

### **Correspondence Received**

1. The Stephens Law Firm to Town Clerk Mazzei Re: Town of Southeast with County of Putnam Easement / Putnam County Bikeway
2. Stephen Abels to Town Board Re: Brewster Honda
3. Jim Brierley to Supervisor Rights Re: Resume for IDA Opening
4. Jacobson to Supervisor Rights Re: Email regarding 2/10/10
5. Jacobson to Town of Southeast Planning Board Re: Quest Properties
6. Jacobson to Town of Southeast Planning Board Re: Brewster Honda
7. Gelardi & Randazzo LLP Re: Fox Ridge Motor Inn, et al v. Town of Southeast, et al
8. LADA P.C. to Supervisor Rights Re: Westchester Tractor
9. Cornerstone Engineering to Supervisor Rights Re: Village of Goshen NY Material Stockpile
10. NYSEFC to Supervisor Rights Re: NYS Clean Water State Revolving Fund
11. Comcast to Town of Southeast Re: Pay service
12. NYS DOT to Town of Southeast Re: Lower Speed limit on Route 312 near Tilly Foster
13. Hartford Fire Ins Co Notice of Nonrenewal Re: Town of Southeast
14. Acord Certificate of Liability Ins Re: Home Brands Inc dba Sheds USA
15. Acord Certificate of Liability Ins Re: Landscape Unlimited Inc
16. Acord Certificate of Liability Ins Re: Aqueduct Plumbing & Heating of Putnam
17. Acord Certificate of Liability Ins Re: Hoffman Fuel Co of Danbury
18. Acord Certificate of Liability Ins Re: Putnam County Risk Manager
19. Acord Certificate of Liability Ins Re: Briar Hills Plumbing
20. NYSIF Cancellation of Certificate of Workers' Compensation Ins Re: James Gagliardo Excavating Contractors
21. NYSIF Cancellation of Certificate of Workers' Compensation Ins Re: Bazooka Carting
22. NYSIF Cancellation of Certificate of Workers' Compensation Ins Re: Frank Ungaro Plumbing
23. NYSIF Cancellation of Certificate of Workers' Compensation Ins Re: Hudson Valley Chimney Service Inc
24. NYSIF Cancellation of Certificate of Workers' Compensation Ins Re: Viking Plumbing & Heating
25. NYSIF Certificate of Workers' Comp Ins Re: Hudson Valley Chimney Service
26. NYSIF Certificate of Workers' Comp Ins Re: Madison Energy Corp
27. NYS Workers' Comp Insurance Coverage Re: Aqueduct Plumbing & Heating Inc
28. Allstate Certificate of Insurance Coverage Re: JRS Pool Service & Supplies Inc
29. Erie Insurance Group Re: Mr Rooter of Dutchess
30. Allstate Certificate of Insurance Coverage Re: Landscape Unlimited Inc
31. Paul Pasquantonio to Town Board Re: Canvas Structures
32. Girl Scouts to Supervisor Re: Girl Scout Gold Award Luncheon
33. The Stephens Law Firm to Paul Bergins Esq Re: Centennial Golf v. Town of Southeast

34. AKRF to Town Board Re: Brewster Honda Proposed Comprehensive Plan & Zoning Amendments
35. Jacobson to Planning Board Re: R.D. Berco Office Building Continued Site Plan Review
36. Jacobson to Planning Board Re: Palumbo Sand & Gravel Sketch Plan Review
37. Jacobson to Planning Board Re: Stateline Retail Center Continued Review
38. Brewster Liquors to Town Clerk Re: Liquor License Renewal
39. Town of Patterson Planning & Zoning Office to Ruth Mazzei Re: Amendments to Zoning Code - Livery Service
40. Paul DeLeo against the Assessor of the Town of Southeast Re: Consent Judgment
41. Dominick Vita & Antonia Vita against the Assessor of the Town of Southeast Re: Consent Judgment
42. DJ Ledley Food SVC Co Inc against the Assessor of the Town of Southeast Re: Consent Judgment
43. Rocky Farms Estates Inc against the Assessor of the Town of Southeast Re: Consent Judgment
44. Anthony Palladino against the Assessor of the Town of Southeast Re: Consent Judgment
45. Standard Construction Corp to Town of Southeast Blackberry Hill Sewer Re: Change Order
46. Meredith Perettine to Highway Dept Re: Chestnut Seedlings to replace chestnut tree
47. William Graf to Town of Southeast Re: Barking Dog
48. PC Dept of Planning, Development, & Public Transportation to Supervisor Rights Re: Brewster Honda
49. The Stephens Law Firm to Andrew Negro Esq, Putnam County Re: PC Bikeway Easement
50. Timothy & Billie Jo Froessel against the Town of Southeast Re: Notice of Claim
51. Blackberry Hills Sanitary Sewer District Re: Disbursement Request
52. **FOILS :**
  - Gilberti, Stinziano, Heintz & Smith PC Re: Landfill Resolution passed at 2/18/2010 meeting
  - Superior Data Re: CO's & permits for 204 Bentley Ct
  - Attorney's Title Ins Agency Re: CO's & permits for 163 North Brewster Rd
  - Superior Data Re: Building permits, CO's and violations for 26 Hickory Ridge Rd & 801 Ashford Circle
  - Plumbers & Steamfitters Local 21 Re: Permits & Contractors for Ace Endico Building
  - Superior Data Re: Copies of CO's, permits, & violations for 1203 Scarborough Dr
  - Prudential Holmes & Kennedy Re: CO's, permits & violations for 22 Birch Hill Rd
  - Coldwell Banker Re: 89 Enoch Crosby Rd copy of survey
  - Billingsley Realty Inc Re: CO for Oil tank for 37 Kirkham Rd
  - Superior Data Re: CO's permits & violations for 103 Farm to Market Rd
  - Town & Village Realty Re: Survey of 1083 Drewville Rd
  - Yoshihiko Ito Re: All correspondence on Brewster Honda
  - Robert Desouza Re: Letter to Town from Jacobson
  - Mary Fuina Re: Denial Letter & survey proposal for 43 Lakeview Dr
  - Ann Fanizzi Re: Letter from Rick O'Rourke to Town Board
  - Empire State Research Re: CO, permits, & violations for 1402 Brentwood Dr
  - VKS Architects Re: Survey for 11 Settlers Hill Rd
  - Linkland Surveyors Re: Survey for Lot 67.08-1-7
  - Ann Fanizzi Re: Entire file on Brewster Honda
  - Prudential Re: CO's & permits for 104 Welfare Rd
  - Houlihan Lawrence Re: Survey for 68.13.OT.13.1
  - Ann Fanizzi Re: Proposed Local Law Amending Comprehensive Plan
  -
53. **EMAILS:**
  - Anita Chieco to Town Clerk Re: Bid Document
  - Willis Stephens to Town Board & others Re: Constituent Inquiry on Salmon's Hollow (Ross Alan)

- Bob Cullen to Town Clerk Re: Request for Information
- Paul Johnson to Town Clerk Re: Foil for Voucher Reimbursement
- Town Clerk to Town Attorney Re: Foil for Nicholas Caputo
- Deborah Lubitz to Town of Southeast Re: Open Space Committee
- Nicholas Caputo to Wills Stephens Re: Foil Request
- Elizabeth Hill to Levon Bedrosian Re: Operating Expense Report for Springhouse
- Bob DeSouza to Supervisor Rights Re: In Reply

**Correspondence Sent**

1. Special Districts to Potential Bidders Re: Peaceable Hill Water Meter Installation
2. Special Districts to Potential Bidders Re: Hauling and disposal of liquid sludge and backwash water
3. Town of Southeast to Colonialtown Landscaping Co. Re: Approval of Bid for 2010 Lawn Maintenance Services
4. Town of Southeast to Laurel Oak Landscaping, All Green Landscaping & Masonry, Aversa Mid-Hudson Landscaping, Candlewood Valley Landscape, and Eight for Five Services Re: Proposal for 2010 Lawn Maintenance was not approved
5. Code Enforcement to Town Board Re: Contract for Car Wash
6. Town of Southeast to NYC DEP Re: Invoice for Operations and Maintenance of Blackberry Hill WWTP
7. Town Clerk to Spain Agency Re: Potential Claim
8. Building Dept to Mr Joseph Sisca Re: Lakeview Plaza Shopping Center
9. Supervisor Rights to Mr Robert Hacaj, Mr Edward Kolisz, Mr Ralph Sciaruto, Mr Richard Gleason, Mr William Walters, Ms Shawna Walsh Re: inquiry to your availability for the position of Fire Inspector
10. Supervisor Rights to Residents Re: Meeting concerning Village Water rates and related matters

**MEETINGS**

Supervisor Rights made a motion to set the following dates and Councilman Yee seconded. All meetings will be held at the John J. Dunford Civic Center, 1360 Route 22, Brewster, New York at 7:30 pm unless otherwise noted:

- April 8, 2010 - Worksession
- April 15, 2010 – Regular Meeting
  - Public Hearings
    - 1) No Congregating Ordinance
    - 2) Rental Occupancy Permit fees
    - 3) North Salem Ambulance – Household Assessments
    - 4) Comprehensive Plan
- April 22, 2010 – Worksession

**BUDGET TRANSFERS** – None

**MINUTES**

Councilwoman Hudak made a motion to accept the minutes from February 18, 2010. Councilman Gross seconded. Councilman Yee read an email (see end of minutes). Town Clerk Mazzei responded by saying the typo was made in error. The Town Clerk sent an e-mail to the Supervisor asking him to clarify his concern regarding the error but no response was received.

Councilman Cullen Aye  
 Councilwoman Hudak Aye  
 Councilman Yee Nay  
 Councilman Gross Aye  
 Supervisor Rights Nay

VOTE: carried by a vote of 3 in favor, 2 against; 0 abstained.



**FIRE INSPECTOR**

Supervisor Rights made a motion to hire Kenneth Clair as Provisional Fire Inspector, subject to testing requirements by Putnam County Civil Service. Councilman Gross seconded. All in favor.

**OLD TOWN HALL RENOVATION PROJECT AND TASK FORCE**

Supervisor Rights made a motion to assimilate a task force for the renovation of Old Town Hall. Councilman Yee seconded. All in favor.

Robert Zubrycki asked to be put on the April 22 agenda for a presentation and update on the renovation project. He also announced that there will be a meeting held on April 5<sup>th</sup> at Old Town Hall in the basement at 7:30 PM. Anyone interested is welcome to attend.

**RESIDENTAL CANVAS STRUCTURES**

Supervisor Rights made a motion to continue the Moratorium regarding Canvas Structures. Councilman Yee seconded. All in favor.

**VIDEOGRAPHER CONTRACT**

Supervisor Rights made a motion to approve the bid for Euro Video. Councilman Yee seconded. Upon Roll Call Vote:

Councilman Cullen	<u>Nay</u>
Councilwoman Hudak	<u>Nay</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Nay</u>
Supervisor Rights	<u>Aye</u>

Vote: was defeated by a vote of 2 in favor, 3 against, 0 abstained.

Councilman Cullen made a motion to send out a new RFP for video services including internet streaming. Supervisor Rights seconded. All in favor.

**CHEMICAL PLANTS CONTRACT**

Supervisor Rights made a motion to accept the proposals at the recommendation of the Special Districts Manager for the lowest responsible bidder for each of the various categories. Councilman Yee seconded. All in favor.

**SWIMMING POOL CONTRACT**

Supervisor Rights made a motion to accept the proposal from Chrystal Clear Pools for the Swimming Pool Contract. Councilman Yee seconded. All in favor.

**SLUDGE HAULING CONTRACT**

Councilman Cullen made a motion to accept the proposal from Tyndall Septic for the pumping of greywater from the Springhouse Estates Water District Plant. Councilman Gross seconded.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Nay</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Nay</u>

Vote: carried by a vote of 3 in favor, 2 against, 0 abstained.

**SLUDGE HAULING CONTRACT**

Councilman Gross made a motion to accept the proposal from Spectraserv Inc. for Hauling Sludge from BBWW and BHWB Plants. Councilman Gross seconded. All in favor.

**PEACEABLE HILL WATER METER INSTALLATION CONTRACT**

Supervisor Rights made a motion to accept the proposal from Southeast Plumbing Corp. for the Peaceable Hill Water Meter Installation Contract. Councilman Cullen seconded. All in favor.

**RESOLUTION # / TOWN ATTORNEY-AUTHORIZATION TO PROSECUTE CERTAIN MATTER**

Councilman Gross asked that this be tabled. Supervisor Rights seconded. All in favor.

**RESOLUTION #/ FOX RIDGE MOTOR INN, INC v. TOWN OF SOUTHEAST AUTHORIZATION TO APPEAL LOWER COURT DECISION**

INTRODUCED BY: Councilman Yee

SECONDED BY: Supervisor Rights

**WHEREAS**, a decision dated March 5, 2010 having been rendered by the Supreme Court of the State of New York, County of Westchester, in the matter entitled Fox Ridge Motor Inn, Inc., et ano. v. Town of Southeast, et ano., Index No. 16680/09 (*per* Barbara Zambelli, A.S.C.J.); and

**WHEREAS**, it is the sense of this Town Board that such decision may have been affected by an error of law or fact and that an appeal to an appropriate appellate level court is in order.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Attorney is hereby authorized to file the appropriate Notice of Appeal and supporting documentation to appeal the decision of the Supreme Court of the State of New York, in and for the County of Westchester, in the matter entitled Fox Ridge Motor Inn, Inc., et ano. v. Town of Southeast, et al., Index No. 16680/09 (*per* Barbara Zambelli, A.S.C.J.) to the Appellate Division of the Supreme Court of the State of New York, and to perfect such appeal in a timely manner.

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

**RESOLUTION NO. / 2010 STANDARD WORK DAY and REPORTING RESOLUTION**

INTRODUCED BY: Councilman Cullen

SECONDED BY: Supervisor Rights

**WHEREAS**, recent amendments to the Regulations of the New York State Comptroller require the adoption of a ‘standard work day’ by each municipality and imposes additional reporting requirements for elected and appointed officials for membership and service credit in New York State and Local Retirement System.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Southeast hereby establishes the following as the standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based upon the record of activities maintained and submitted by these officials to the Town Clerk:

Title	Name	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day	Term Begins/Ends	Participates In Employer’s Time Keeping System (Y/N)	Days/Month (based on record of activities)
<b>ELECTED OFFICIALS</b>							
Supervisor	Michael Rights	5653	42655100	6	01/01/2008-12/31/2011	N	20
Town Clerk	Ruth A. Mazzei	2376	20239612	6	01/01/2008-12/31/2011	N	20
Town Board	Elizabeth Hudak	6703	50010222	6	01/01/2010-12/31/2013	N	10
Justice	Richard Vercollone	4422	33970153	6	01/01/2010-12/31/2013	N	20
Justice	Gregory Folchetti	1853	43404763	6	01/01/2010-12/31/2013	N	20
Hwy Supt	Kevin Palmer	1764	38006441	6	01/01/2010-12/31/2013	N	20
<b>APPOINTED OFFICIALS</b>							
Tax Receiver	Susan Tobacco	2324	40015828	6	01/01/2010-12/31/2010	N	20
Assessor	Laurie Bell	3469	38399937	6	10/30/2009-09/30/2013	N	20
Town Attorney	Willis Stephens	7293	14686190	6	01/01/2010-12/31/2011	N	20

Councilman Cullen Aye  
Councilwoman Hudak Aye  
Councilman Yee Aye  
Councilman Gross Aye  
Supervisor Rights Aye

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

**BULK PURCHASING AGREEMENT**

Supervisor Rights made a motion to sign a Cooperative Purchasing Agreement with the Hudson Valley Municipal Purchasing Group. Councilman Yee seconded. Vote carried with 4 in favor, 1 against (Hudak).

**FEE SCHEDULE FOR 2010**

Supervisor Rights made a motion to adopt the 2010 Fee Schedule incorporating the changes in column one. Councilman Yee seconded. All in favor.

**SWEEPING OF SCHOOL PARKING LOTS**

Supervisor Rights made a motion to authorize the Superintendent of the Highway Dept to sweep the school parking lots. Councilman Yee seconded. All in favor.

**HIGHWAY DEPT TRUCK**

Councilman Gross made a motion to purchase a replacement truck as described by the Highway Superintendent. Councilwoman Hudak seconded.

Upon Roll Call Vote:

Councilman Cullen Aye  
Councilwoman Hudak Aye  
Councilman Yee Nay  
Councilman Gross Aye  
Supervisor Rights Nay

VOTE: carried by a vote of 3 in favor, 2 against, and 0 abstained.

**PUTNAM COUNTY BRIDGES**

Supervisor Rights made a motion to ask Putnam County to paint the Bike Path Bridge as was arranged, with Federal Stimulus money. Councilman Yee seconded. All in favor.

**RECREATION FIELDS** – DEFERRED

**PROSPECT HILL BRIDGE**

Supervisor Rights made a motion to direct a letter and add a petition to the MTA demanding repair of the Prospect Hill Bridge. The Town Clerk said that she has passed around petitions for people to sign, some are being carried at Kobackers, some are on display at Prospect Hill Dental and more are going around. They will be attached to the letter when they are submitted. Councilman Yee seconded. All in favor.

**MORNINGTHORPE ROAD BRIDGE**

Supervisor Rights made a motion to direct a letter to the Putnam County Highway Dept to fix the Morningthorpe Road Bridge. Councilwoman Hudak seconded. All in favor.

**LAKEVIEW MANOR PARKING LOT**

Supervisor Rights made a motion to authorize the Highway Superintendent to make the necessary repairs as a matter of safety at the cost of \$23,000.00. Councilman Gross seconded. All in favor.

**ANNOUNCEMENTS**

Councilman Gross asked the Supervisor to please shorten the agenda in the future and thanked everyone who stayed.

Supervisor Rights made an announcement that Lake Tonetta will be open this summer.

Councilman Cullen announced that the Recreation Dept will be having a fundraiser at Applebees, on April 3 from 8am to 10am for a Pancake Breakfast at \$5.00 per person.

Village Mayor Jim Schoenig informed the Town Board that Village residents are paying over \$5000.00 in taxes, 18% of the Town Budget. He asked Supervisor Rights to let him know where the money is going and what the residents are getting for it.

Supervisor Rights made a motion to close the meeting. Councilman Yee seconded. All in favor.

Respectfully submitted,

Ruth Argo Mazzei  
Southeast Town Clerk